

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Spaete et al.	Confirmation No.:	To Be Assigned
Serial No.:	To Be Assigned; Division of U.S. Application No. 09/724,418	Group Art Unit:	To Be Assigned
Filed:	On Even Date Herewith	Examiner:	Not Yet Named
For:	NON SPLICING VARIANTS OF GP 350/220	Attorney Docket No.:	7682-109-999

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97 & §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 and §1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to patentability of and claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to references **A01 to A03**, **B01 to B04**, and **C01 to C43**, listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant."

The above identified application claims priority to Application Serial Nos. 08/917,320; 08/783,774; 09/556,706; 08/229,291; and 09/724,418. References **A01 to A03**, **B01 to B04**, and **C01 to C43** were cited in connection with Application Serial No. 09/724,418. Accordingly, pursuant to 37 C.F.R. §1.98 (d), copies of **A01 to A03**, **B01 to B04**, and **C01 to C43** are not submitted herewith. However, should copies of references **A01 to A03**, **B01 to B04**, and **C01 to C43** be required, the Examiner is invited to request such copies from Applicants. Identification of the listed references is not to be construed an admission by Applicants or their attorneys that such references are available as "prior art" against the subject application. Applicants submit herewith a "revised form PTO-1449" entitled "List of References Cited." Applicants respectfully request that the Examiner

consider the references and make them of record in the file of the above-captioned application.

Pursuant to 37 C.F.R. § 1.97(b), it is estimated that no fee is due. However, if a fee is deemed to be due, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Date November 25, 2003

Respectfully submitted,

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<b>LIST OF REFERENCES CITED BY APPLICANT</b> (Use several sheets if necessary)	ATTY DOCKET NO.	APPLICATION NO
	7682-109-999	To Be Assigned
	APPLICANT	
	Spaete et al.	
	FILING DATE	GROUP
	Herewith	To Be Assigned

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	6,054,130	4/25/00	Spaete et al.			
	A02	5,824,508	10/20/98	Spaete et al.			
	A03	4,707,358	11/17/87	Kieff et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	EP 0 151 079 A		EPO				
	B02	EP 0 173 254		EPO				
	B03	EP 0 312 164 A		EPO				
	B04	WO 93/19092 A		PCT				

### OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

C01	Baer et al., 1984, "DNA Sequence and Expression of the B95-8 Epstein-Barr Virus Genome", Nature 310:207-211
C02	Beisel et al., 1985, "Two Major Outer Envelope Glycoproteins of Epstein-Barr Virus are Encoded by the Same Gene", J. Virol. 54:665-674
C03	Biggin et al., 1984, "Transcription and DNA Sequence of the <i>Bam</i> HI L Fragment of B95-8 Epstein-Barr Virus", EMBO J. 3:1083-1090
C04	Complaint for Misappropriation of Trade Secrets; Unfair Competition; Breach of Contract, filed July 1, 1996
C05	David et al., 1988, "Efficient Purification of Epstein-Barr Virus Membrane Antigen gp340 by Fast Protein Liquid Chromatography", J. Immunol. Meth. 108:231-236
C06	Emini et al., 1989, "Vero cell-expressed Epstein-Barr virus (EBV) gp350/220 protects marmosets from EBV challenge," J. Med. Virol. 27:120-123
C07	Emini et al., 1988, "Antigenic Analysis of the Epstein-Barr Virus Major Membrane Antigen (gp350/220) Expressed in Yeast and Mammalian Cells: Implications for the Development of a Subunit Vaccine", Virology 166:387-393
C08	Epstein et al., 1986, "Not all potentially neutralizing, vaccine-induced antibodies to Epstein-Barr virus ensure protection of susceptible experimental animals," Clin. Exp. Immunol. 63:485-490
C09	Finerty et al., 1992, "Protective Immunization Against Epstein-Barr Virus-Induced Disease in Cottontop Tamarins Using the Virus Envelope Glycoprotein gp340 Produced from a Bovine Papillomavirus Expression Vector," J. Gen. Virol. 73:449-453
C10	Gething and Sambrook, 1982, "Construction of Influenza Haemagglutinin Genes that Code for Intracellular and Secreted Forms of the Protein", Nature 300:598-603
C11	Gruss et al., 1980, "Rescue of a Splicing Defective Mutant by Insertion of an Heterologous Intron", Nature 286:634-637
C12	Hessing et al., 1992, "Purification and quantification of recombinant Epstein-Barr viral glycoproteins gp350/220 from Chinese hamster ovary cells," J. Chromatography 599:267-272
C13	Jackman et al., 1999, "Expression of Epstein-Barr virus gp350 as a single chain glycoprotein for an EBV subunit vaccine," Vaccine 17(7-8):660-668
C14	Khyatti et al., 1994, "Epstein-Barr virus gp350-specific antibody titers and antibody-dependent cellular cytotoxic effector function in different groups of patients: a study using cloned gp350-expressing transfected human T cell targets," J. Infect. Dis. 170:1439-1447
C15	Lees et al., 1993, "The Epstein-Barr Virus Candidate Vaccine Antigen gp340/220 is Highly Conserved Between Virus Types A and B" Virology 195:578-586
C16	Mackett et al., 1986, "Characterization of Vaccinia Virus Recombinants Expressing the Epstein-Barr Virus Membrane Antigen gp340", Vaccines 86 (Cold Spring Harbor Laboratory) pp. 293-297

C17	Mackett et al., 1985, "Recombinant Vaccinia Virus Induces Neutralising Antibodies in Rabbits Against Epstein-Barr Virus Membrane Antigen gp340", EMBO J. 4:3229-3234
C18	Madej et al., 1992, "Purification and Characterization of Epstein-Barr Virus gp350/220 Produced by a Bovine Papilloma Virus Expression Vector System", Vaccine 10:777-781
C19	Manservigi et al., 1990, "Protection from Herpes Simplex Virus Type 1 Lethal and Latent Infections by Secreted Recombinant Glycoprotein B Constitutively Expressed in Human Cells with a BK Virus Episomal Vector", J. Virol. 64:431-436
C20	Miller et al., 1972, "Epstein-Barr Virus: Transformation, Cytopathic Changes, and Viral Antigens in Squirrel Monkey and Marmoset Leukocytes", Proc. Natl. Acad. Sci. USA 69:383-387
C21	Morgan et al., 1989, "Validation of a first-generation Epstein-Barr virus vaccine preparation suitable for human use," J. Med. Virol. 29:74-78
C22	Morgan et al., 1988, "Recombinant Vaccinia Virus Expressing Epstein-Barr Virus Glycoprotein gp340 Protects Cotton-top Tamarins Against EB Virus-Induced Malignant Lymphomas", J. Med. Virol. 25:189-195
C23	Moss et al., 1996, "Strategies Involved in Developing an Effective Vaccine for EBV-Associated Diseases," Adv. in Cancer Res. 69:213-245
C24	Motz et al., 1986, "Expression of the Epstein-Barr Virus Major Membrane Proteins in Chinese Hamster Ovary Cells", Gene 44:353-359
C25	Mount, 1982, "A Catalog of Splice Junction Sequences", Nucl. Acids Res. 10:459-472
C26	Nemerow et al., 1987, "Identification of gp350 as the Viral Glycoprotein Mediating Attachment of Epstein-Barr Virus (EBV) to the EBV/C3d Receptor of B Cells: Sequence Homology of gp350 and C3 Complement Fragment C3d", J. Virol. 61:1416-1420
C27	Pachl et al., "Expression and Characterization of Recombinant Forms of CMV (Towne) Glycoprotein H (gH)", Abstracts of papers presented at the 15th International Herpesvirus Workshop, (Georgetown Univ.) p. 244
C28	Pachl et al., 1989, "The Human Cytomegalovirus Strain Towne Glycoprotein H Gene Encodes Glycoprotein p86", Virology 169:418-426
C29	Randle et al. 1985 "Large Scale Purification of EBV Membrane Antigen gp-340 with a Monoclonal Antibody Immunoabsorbent" Journal of Immunological Methods 77:25-36.
C30	Rose and Bergmann, 1982, "Expression from Cloned cDNA of Cell-Surface Secreted Forms of the Glycoprotein of Vesicular Stomatitis Virus in Eucaryotic Cells", Cell 30:753-762
C31	Ryu et al., 1989, "Simian Virus 40 Late Transcripts Lacking Excisable Intervening Sequences are Defective in Both Stability in the Nucleus and Transport to the Cytoplasm", J. Virol. 63:4386-4394
C32	Spaete et al., 1993, "Coexpression of Truncated Human Cytomegalovirus gH with the UL115 Gene Product or the Truncated Human Fibroblast Growth Factor Receptor Results in Transport of gH to the Cell Surface", Virology 193:853-861
C33	Spaete et al., 1991, "CMV (Towne) Glycoprotein H (gH) is Complexed with GRP78 and GRP94", in: <u>Progress in Cytomegalovirus Research</u> , M.P. Landini, ed., Elsevier Science Publishers, B.V., pp. 133-136
C34	Spaete, 1991, "A Recombinant Subunit Vaccine Approach to HCMV Vaccine Development", Transplant. Proc. 23:90-96
C35	Spaete et al., 1990, "Sequence Requirements for Proteolytic Processing of Glycoprotein B of Human Cytomegalovirus Strain Towne", J. Virol. 64:2922-2931
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C37	Straus et al., 1993, "Epstein-Barr Virus Infections: Biology, Pathogenesis, and Management", Ann. Int. Med. 188:45-58
C38	Tartaglia et al., 1990, "Poxvirus-Based Vectors as Vaccine Candidates", Crit. Rev. Immunol. 10:13-30
C39	Thorley et al., 1980, "Monoclonal Antibodies Against the Major Glycoprotein (gp350/220) of Epstein-Barr Virus Neutralize Infectivity", Proc. Natl. Acad. Sci. USA 77:5307-5311
C40	Tosoni-Pittoni et al., 1989, "Complete Characterization of the Gene Coding for the Epstein-Barr Virus Major Membrane Antigen gp 220/340 and Selective Expression of a Secreted Form of gp 220", Biochem. Biophys. Res. Comm. 158:676-684
C41	Treisman et al., 1981, "Transformation of Rat Cells by an Altered Polyoma Virus Genome Expressing Only the Middle-T Protein", Nature 292:595-600
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C43	Whang et al., 1987, "Expression of the Epstein-Barr Virus gp350/220 Gene in Rodent and Primate Cells", J. Virol. 61:1796-1807

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.